

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

KEVIN BALLANCE, ET AL.,

Plaintiff,

V.

CHARLES T. RETTIG, ET AL.,

Defendants.

Case No. 7:21CV00646

OPINION

JUDGE JAMES P. JONES

Xavier Jones, Pro Se Plaintiff.

This plaintiff, Xavier Jones, proceeding pro se, joined this civil rights action pursuant to 42 U.S.C. § 1983 through the Amended Complaint, alleging that he did not receive all the COVID-19 stimulus payments to which he was entitled. A recent Order that the court mailed to Jones at the address he provided was returned to the court as undeliverable. The returned envelope indicated that authorities were unable to forward the mailing. It is self-evident that the court must have a viable address by which to communicate reliably with Jones about this case.

Based on Jones's failure to update the court with a current mailing address that would allow reliable communication about his case, I conclude that he is no longer interested in pursuing this civil action. Therefore, I will dismiss the action as to all claims raised by Plaintiff Xavier Jones without prejudice for failure to

prosecute. *See Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); *Donnelly v. Johns-Manville Sales Corp.*, 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

An appropriate Order will issue herewith.

DATED: February 2, 2024

/s/ JAMES P. JONES
Senior United States District Judge